

REMARKS/ARGUMENTS

After the above amendment, claims 3, 4, 6-8, 12-16, 18, and 19 are pending in the application. Claims 9 and 17 are canceled without prejudice. Claims 3 and 12 are amended.

Claims 3, 4, 6, 7, 12-15, 18, and 19 have been rejected under 35 U.S.C. 102(e) as being anticipated by Giancola et al. (U.S. Patent Application No. 2006/0014507). Claims 8 and 16 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Giancola et al. in view of Zamat (US 6,314,278). Applicant respectfully submits that these rejections are overcome for the reasons set forth below.

Independent claims 3 and 12, as amended, are directed to providing gain adjustment based upon the number of saturated samples within groups of samples and erasing groups of sample that are overly saturated. Claim 3, as amended, defines:

determining, from said first plurality of samples, a first number of said first samples which exceed a saturation criteria;
comparing the first number to a threshold number and erasing the first plurality of samples if the first number is greater than the threshold number; (Emphasis added)

Claim 12, as amended, defines:

an erase circuit to compare the number of samples within a group of samples which exceed the saturation criteria to a threshold number and erase the group of samples if the number of samples within the group which exceed the saturation criteria is greater than the threshold number. (Emphasis added)

Giancola et al. do not teach or suggest the claimed 'erase circuit' or the claimed method of erasing groups of samples if the number saturated samples within the group is greater than a threshold number, as stated by the Examiner on page 6 of the Final Office Action dated October 1, 2008. Furthermore, Zamat does not teach or suggest the claimed 'erase circuit' or the claimed method of erasing groups of samples if the number saturated samples within the group is greater than a threshold number. Accordingly, independent claims 3 and 12, as amended, recite features not disclosed suggested by Giancola et al. or Zamat, either alone or in combination.

Applicants note that the Examiner has cited Montojo et al. (U.S. Patent Application No. 2004/0151264), on pages 6 and 7 of the Final Office Action, as disclosing methods of threshold comparison that would render an erase circuit obvious to one of ordinary skill in the art. Applicants respectfully disagree.

The method disclosed by Montojo et al. uses a comparison of the standard deviation (σ) of the signal to a threshold value to determine whether to set the front-end attenuation of the system to either an active or an inactive mode of operation. (§ [0031].) The Examiner appears to indicate that the difference in operation of the front-end attenuation in the system of Montojo et al. in these two states is equivalent to the operation of an erase circuit.

Even if, *in arguendo*, Applicants accept this claim, Applicant note that this propose erase circuit equivalent is triggered based on comparing the standard deviation of the signal to a threshold value, not by comparing the number of samples within a group of samples which exceed the saturation criteria to a threshold number. Montojo et al. do not disclose or suggest the use of saturation to determine whether the state of the front-end attenuation of their system. Further, Applicants respectfully submit that it would not have been obvious to one of skill in the art to modify the system of Montojo et al. to count the number of saturated samples in a given group of samples and to then compare this number to a threshold number to determine which front-end attenuation mode to use.

Therefore, Applicants submit that independent claims 3 and 12, as amended, include features neither disclosed nor suggested by the combination of Giancola et al., Zamat, and Montojo et al. for the reasons set forth above. The remaining claims depend from either claim 3 or claim 12 and accordingly patentably define over the combination of Giancola et al., Zamat, and Montojo et al. Thus, Applicants respectfully request withdrawal of all of the rejections based upon Giancola et al., Zamat, and Montojo et al., either single or in combination.

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephone interview will help to materially advance the prosecution of this


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application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the present application, including claims 3, 4, 6-8, 12-16, 18, and 19, is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

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Enclosure